

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-307 (Sub-No. 3X)

WYOMING AND COLORADO RAILROAD COMPANY, INC.—ABANDONMENT
EXEMPTION—IN ALBANY COUNTY, WY

Decided: December 31, 2003

On May 16, 1996, Wyoming and Colorado Railroad Company, Inc. (WYCO), filed a petition seeking an exemption under 49 U.S.C. 10502 from the prior approval requirements of 49 U.S.C. 10903 to abandon 66.16 miles of its Coalmont Branch in Albany County, WY, from milepost 67.47 at the Colorado state line to milepost 1.31 near Laramie. By decision and notice of interim trail use or abandonment (NITU) served on September 16, 1996 (September 1996 decision), the petition for exemption was granted subject to certain conditions, including the conditions that WYCO: (1) retain its interest in, and take no steps to alter the historic integrity of, all sites and structures on the right-of-way that are 50 years old or older until completion of the section 106 process of the National Historic Preservation Act, 16 U.S.C. 470(f); (2) give the National Geodetic Survey (NGS) at least 90 days' advance notice of any activities that may disturb or destroy any of the 76 identified geodetic station markers; and (3) consult with the U.S. Department of Agriculture, Forest Service (DOA), prior to conducting salvage activities. By decision served on May 16, 2003, the proceeding was reopened and the section 106 historic preservation condition imposed in the September 1996 decision was removed.

By letter filed on November 4, 2003, WYCO requests that the NGS notification condition and the DOA consultation condition imposed in the September 1996 decision be removed. In support of its request, WYCO states that, through consultation with NGS, WYCO was able to salvage the line without disturbing any geodetic station markers. WYCO also submitted a letter from DOA which states that WYCO has met all conditions for abandonment within the National Forest System lands. Therefore, the Board's Section of Environmental Analysis recommends that the NGS notification condition and the DOA consultation condition imposed in the September 1996 decision be removed. Accordingly, the proceeding will be reopened and these conditions will be removed.¹

¹ The September 1996 decision also imposed the employee protective conditions in Oregon Short Line R. Co.—Abandonment—Goshen, 360 I.C.C. 91 (1979). This condition remains in effect. A public use condition and the trail use negotiation period have expired.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. Upon reconsideration, the NGS notification condition and the DOA consultation condition imposed in the September 1996 decision are removed.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary